

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 9/27/10

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Town Council Meeting at the Tiverton Town Hall, 343 Highland Road on Wednesday, the 21st day of July 2010 at 7:00 p.m.

MEMBERS PRESENT:

President Bollin, Vice President Arruda, Councilor Costa, Councilor Durfee, Councilor Lambert, Councilor Leonard and Councilor Roderick

Town Administrator Goncalo and Solicitor Teitz were also present.

SPECIAL MEETING AGENDA:

Public Hearing on Proposed Charter Additions/Amendments Relative to Changing and/or Replacing the Financial Town Meeting Including But Not Necessarily Limited to:

1.Councilor Leonard – Proposal for Ballot Vote Changes to FTM

Councilor Leonard proposed a change to Section 307 (a), Vote by Ballot, of the Home Rule Charter, Town of Tiverton. Councilor Leonard's proposal was as follows:

The vote shall be taken by ballot upon the request **by at least one-fifth (1/5 also known as twenty percent 20%)** of the qualified electors present, on any pending question involving the expenditure of money, the incurring of liability or disposition of Town property.

Councilor Leonard noted this proposal would be irrelevant if either of the other two proposals are passed. Councilor Leonard explained the reasoning for the proposed change. In recognition of dealing with millions of dollars, in the last three years the vote has been close and contentious. Important to have an accurate count, especially important for a ballot vote because of multiple locations used for voting. Insures citizens their right to vote a secret ballot on major Town issues, reducing the opportunity for voter intimidation and brings the Charter into agreement with RI General Law 45-3-20, voting on motions, applying to town meetings.

President Bollin asked for comments from the public at this time on this proposal.

One resident agreed with the concept, suggested the ballot vote be for over a certain dollar amount. Have heard from several senior citizens who feel intimidated by the current structure. Another resident was outraged by the tax increase, agreed with the secret ballot, democratic style by a much bigger majority. See other towns cutting back, not happy Tiverton didn't cut back. One resident suggested a specially printed ballot. Town Clerk, Nancy Mello, noted there was a system in place at the last two Town Meetings, voting machines were available with yes/no ballots, your hand would be stamped after being handed a ballot, go out one door come in another. Another resident supported the proposal; concerned some parameters would be needed, either a dollar amount, or a certain percent. Resident Bob Martin stated has made motions to have a ballot vote at FTM and always been outvoted. Resident, Joe Souza was in favor of saving the Financial Town Meeting (FTM), needs some work, time constraints with three amendments.

President Bollin noted if you do away with the FTM, then you need to create another procedure, that is the problem. This proposal is about voting at the FTM and changing that structure there. Councilor Costa noted you could not have preprinted ballots with dollar amounts because that amount is not known. President Bollin noted seven or eight simple rules would help for a smoother meeting, need some mechanism in place to make it work better. Councilor Durfee suggested a ballot shall vote be ordered by the Moderator if any winning vote expenditure is less than a certain amount. Councilor Durfee suggested a voice vote first.

Councilor Lambert noted that does not address the issue. A lot of voters found the FTM a disagreeable process. The language of Councilor Leonard' proposal is rather broad, could draft language limiting to simplify a vote of the municipal and school budget.

President Bollin noted in three occasions voters overwhelmingly voted to retain the FTM. Trying to look at the big picture, if there is no change, then a better procedure is needed. Councilor Leonard noted the agenda order for this meeting went by who filed first.

President Bollin opened the floor to the Council.

Councilor Durfee proposed adding the words *with municipal, school and excess levy* to the proposal. Solicitor Teitz noted the School is one vote by law. Councilor Roderick noted the FTM has outlived its usefulness, if it does not change, needs to have better rules of procedure. Councilor Costa believed in the majority rule, with this proposal, 20% of the voters could control the other 80%, suggests leave as is. Councilor Leonard reiterated the Board of Canvassers did have a system in place with the voting machines and the yes/no ballots. Asked Solicitor Teitz if he researched the question posed at a prior meeting relative to whether or not State Law trumps the Charter?

Solicitor Teitz response was no, the Charter is also State Law. President Bollin noted this proposal was to reduce the number of people it would take to get a ballot vote.

Councilor Costa made a motion to place Councilor Leonard's proposal on the ballot. Councilor Lambert seconded the motion. Motion passed on a vote of 4-3, Councilors Durfee, Arruda and Costa opposed.

2.Jeffrey Caron –Proposal for Replacing FTM With Referendum

Mr. Caron passed out a request to let Mr. Medeiros proposal be heard first, if so Mr. Caron would then withdraw his proposal.

Councilor Leonard made a motion, seconded by Councilor Roderick to change the order of the agenda per Mr. Caron's request. Motion passed on a vote of 6-1, Councilor Costa abstained.

Solicitor Teitz noted the question still had to be written for Councilor Leonard's proposal.

3.Brian Medeiros – Proposals for Replacing FTM With Referendum

Solicitor Teitz questioned what version of Mr. Medeiros proposal the Council should be looking at. There was a July 6,2010 version 2 in the Council packet. A handout submitted July 21,2010 with changes to the July 6,2010 proposal was given to the Council. President Bollin noted the people should have the combined version. Mr. Medeiros, former Town Councilor, proposed replacing the FTM with an all day Referendum. This would include all spending, the bottom line, school and municipal. The Town Council would be the governing body, would be provided a budget recommended by the Budget Committee. Have put the Budget Committee back in the revised proposal. A proposal could also be put on by 301 citizens. The revised change is to page 3, Section 301

Lengthy discussion followed regarding the proposal. Mr. Medeiros explained there would be a series of meetings and the Town Council would put a recommended budget on the ballot, which would include the school. All parties would work together. The change in the addendum is if nothing passes the previous budget would continue. Then there would be another referendum vote. Councilor Lambert was concerned that at the first meeting need an approved budget question, would require more yes votes than no votes, in the second part, a majority of electors participating have voted on the budget question. Councilor Lambert suggested adopting the first part of the definition as or any greater more yes than no. What would happen if the vote were exactly 50%? Mr. Medeiros said should be a majority of votes to approve.

President Bollin noted other towns have several choices on their ballot, most yes votes wins. Councilor Roderick believed regardless of the process used, the majority should rule. Mr. Caron questioned the Solicitor regarding an email he sent, could the Town Charter define the outcome if nothing is approved? The Solicitor indicated a simple defined amount. Further discussion ensued regarding putting petitions on the ballot. Questions arose as to the School Committee putting forth a petition. Can it be put forth as a School Committee endorsed petition? If so then that could be seen as trying to influence the outcome of a vote. Mr. Medeiros said his proposal had language to address that. Councilor Lambert had some concerns, the School Committee will develop a budget, why make them go through hoops, should have an automatic right to go forward with the budget. Mr. Medeiros pointed out that budget has to be all-inclusive, can't just recommend school. Solicitor Teitz said Section 1218 could have many interpretations relative to personal property, Councilor Durfee stated it was overly broad.

Councilor Durfee praised Mr. Caron and Mr. Medeiros for doing a good job putting these issues before the Council. Councilor Durfee suggested they both get together and submit one proposal, maybe form an advisory committee, or an ad hoc committee. Mr. Caron thought that was possible would be good if it could be done before the next budget cycle. Would need a minimum of fifty days to present for a Special Election. President Bollin noted this item needed greater scrutiny. Councilor Durfee suggested Mr. Caron and Mr. Medeiros come up with three names apiece for this ad hoc committee. Councilor Lambert noted the proposals were not that far apart. Mr. Caron was willing to withdraw his proposals at the close of this session.

Councilor Roderick thanked Mr. Caron and Mr. Medeiros for these proposals. Noted the Town has to do something, the FTM as it now exists is divisive; an all day referendum is needed. President Bollin noted the resolves have to be looked at by the Council; the Budget Committee can put resolves, which doesn't require petitioner signatures.

Councilor Durfee made a motion to create an Advisory Committee with co-chairs Jeffrey Caron and Brian Medeiros who will include two more names each tasked with presenting the Council with the presentation of only one proposal for an all day referendum. Such appointments will be completed at the first meeting August 10,2100.Seconded by Councilor Leonard motion passed unanimously.

Councilor Costa motioned to move the question forward to the ballot but there should also be a question to retain the FTM as it currently functions. There was no second to this motion.

President Bollin pointed out only Councilor Leonard's proposal would be on the ballot. The other proposals have not been vetted enough. They will not make the ballot or be ready for certification by August 4th.

Councilor Roderick at this time asked the Clerk to place on next agenda request to revisit on August 23,2010 the fundraiser for "Singing Out Against Hunger". Councilor Roderick voted in the affirmative. Solicitor Teitz noted this motion has to made at the next meeting of the Council. The original vote was at a Public Hearing, so the vote to reconsider must also include a possible reopening of a Public Hearing. Councilor Roderick asked the Clerk to place this item on the August 23rd agenda.

ADJOURNMENT:

Councilor Roderick made a motion to adjourn, seconded by Councilor Durfee the Special Meeting. Motion passed unanimously.

Meeting adjourned at approximately 9:35 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

